THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4172 OF 2006

Between:

K.Murali Mohan Rao and others. … Petitioners.

And

The Chirala Municipal Council,

And another. … Respondent.

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.4172 OF 2006

ORDER:

It is the case of the petitioners that they are only the licensees of shops located around the clock tower in Clock Tower Centre of Chirala town and the leases granted to them are extended and valid up to 31.3.2006 and some of the leases are even valid beyond the said period. It is stated that the respondent Municipal Council of Chirala Municipality passed a resolution No.338 dated 29.11.2005 to evict the lessees from the shops situated at the centre of the city around the clock tower for the beautification of the city and also to remove the Sulabh complex. It is stated that first petitioner is in occupation of room No.1, second petitioner is in occupation of

room No.2, third petitioner is in occupation of room No.3, fourth petitioner is in occupation of room No.4 and the fifth petitioner is in occupation of vacant land and they are regularly paying the monthly lease amount. It is stated that the said resolution has not been communicated to the petitioners and no notice has been issued and pursuant to the oral information, the petitioners have filed a representation dated 24.2.2006 before the first respondent to do justice in their favour and not to evict them from the said shops as they have been eking out their livelihood from several years by paying lease amount.

The learned counsel for the respondents submit that for the widening of the road and for the beautification of the town and for free flow of the traffic, the municipal council has passed a resolution and in that process only they are taking steps to evict the petitioners and demolish the shops.

I am of the opinion that widening of the road may be in the public interest and though the petitioners are not the owners of the said shops, but they are lessees and interested persons. Therefore, during the subsistence of the lease period they cannot be thrown away without issuing any notice and without following due process of law. Though the petitioners are not entitled for compensation for the land and constructions, but they being interested persons they are entitled for notice.

Accordingly, the writ petition is disposed directing the respondents to issue notices to the petitioners as to why they shall not be evicted pursuant to the resolution of the municipal council for beautification of the Chirala Town and for widening of the road calling upon them to submit the explanation, and until reasonable opportunity is given and due process of law is followed, they may not be evicted.

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03.03.2006

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OPERATIVE PORTION OF THE ORDER:

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Accordingly, the writ petition is disposed directing the respondents to issue notices to the petitioners as to why they shall not be evicted pursuant to the resolution of the municipal council for beautification of the Chirala Town and for widening of the road calling upon them to submit the explanation, and until reasonable opportunity is given and due process of law is followed, they may not be evicted.

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03.03.2006.

Note:

Issue wire at party’s cost.

B/o.

Mdaa.